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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 05-219
Table of Allotments, FM Broadcast) RM-11249
Stations (Brawley and Campo, California))

RECEIVED

To: Chief, Audio Division, Media Bureau

AUG 18 2005

Federal Communications Commission
Office of Secretary

COMMENTS OF CCR-BRAWLEY IV, LLC

CCR-Brawley IV, LLC ("CCR"), the licensee of FM broadcast station KSIQ, Brawley, California, by its attorneys, hereby submits these comments with regard to the *Notice of Proposed Rulemaking*, DA 05-1779, released June 27, 2005, in the above-referenced proceeding ("NPRM"). The NPRM proposes to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, to delete Channel 241B at Brawley, California, add channel 241B1 to Campo, California, and modify the license of station KSIQ accordingly. CCR supports the proposed changes.

CCR initiated the instant proceeding through a Petition for Rulemaking submitted on May 16, 2005, which these comments incorporate by reference. CCR proposed the above changes to KSIQ's authorization in compliance with Section 1.420(i) of the Commission's rules, which allows a licensee to modify the license of an FM station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's present allotment. CCR demonstrated that the proposed change is mutually exclusive with KSIQ's current authorization; that the proposed change would not deprive Brawley of its sole local

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transmission service; and that the proposed change would result in a preferential arrangement of allotments consistent with the Commission's rules and policies.

CCR also provided the Commission with an engineering statement showing a net gain in service population and area served. However, in paragraph 3 of the NPRM, the Commission stated that its staff engineers reached different calculations for population and area served gain/loss. Accordingly, the Commission asked CCR to "clarify the methodology used to calculate the gain and loss data submitted." NPRM at ¶ 3. Attached hereto, as Exhibit 1, is an Engineering Statement Concerning Gain and Loss Computations for this proceeding. This statement explains that the primary differences in the gain/loss computations are due to the use of different contours by the Commission and CCR's engineers – CCR's engineering in its Petition for Rule Making used the 57 dBu contour for the proposed Campo allotment and 54 dBu contour for the existing Brawley facilities for gain/loss calculations and Commission staff used 60 dBu contours. In addition, the Commission used CCR's proposed city reference coordinates as the allotment coordinates for these calculations and CCR's engineering supplement was based on the petition's proposed allotment coordinates. The attached engineering statement further explains that when the Commission's allotment coordinates are used, CCR and the Commission arrive at similar conclusions regarding population and area gain and loss. Finally, CCR's initial calculations used actual height above average terrain rather than the constant radius method.

The attached engineering statement states that the use of the actual protected 54 dBu and 57 dBu protected contours and the use CCR's preferred allotment coordinates (rather than the proposed coordinates) will result in a population gain of 142,510 persons and a loss of 6,959 square kilometers. However, even if the Commission uses its 60 dBu methodology which shows a population loss, grant of this proposed reallocation to Campo remains in the public interest

because such reallocation will result in the first service to Campo while the loss area continues to be well-served by the two stations licensed to Brawley and the five or more stations which provide service to Brawley.

CCR hereby reaffirms that if the Commission grants the changes proposed in the NPRM, CCR will operate KSIQ on channel 241B1 at Campo, California and submit an appropriate application to modify KSIQ's authorization.

WHEREFORE, CCR-Brawley IV, LLC. respectfully requests that the Commission effectuate the changes proposed in the NPRM: amend the FM Table of Allotments to delete channel 241B at Brawley, allot channel 241B1 to Campo, California and amend KSIQ's license accordingly.

Respectfully submitted,

CCR-BRAWLEY IV, LLC

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August 18, 2005

Exhibit 1

ENGINEERING STATEMENT
CONCERNING GAIN AND LOSS COMPUTATIONS
PETITION FOR RULEMAKING
AMENDMENT OF THE FM TABLE OF ALLOTMENTS
MMB DOCKET NO. 05-219 RM-11249
BRAWLEY AND CAMPO, CALIFORNIA

AUGUST 2005

**ENGINEERING STATEMENT
CONCERNING GAIN AND LOSS COMPUTATIONS
PETITION FOR RULEMAKING
AMENDMENT OF THE FM TABLE OF ALLOTMENTS
MMB DOCKET NO. 05-219 RM-11249
BRAWLEY AND CAMPO, CALIFORNIA**

AUGUST 2005

The following engineering statement has been prepared on behalf of **CCR-Brawley, IV, LLC**, Petitioner in the above noted proceeding. In paragraph 3 of the Commission's NPRM, released June 27, 2005, it is stated that the submitted gain and loss area and population do not agree with the staff's computations. The purpose of this statement is to address this matter.

Upon review of the Petition for Rulemaking, it was determined that the disparity in area and population revealed in paragraph three stemmed from use of the 57 dBu and 54 dBu primary contours while the staff relies on the 60 dBu contour for area and population data analysis despite the class of facility. An additional reason for the discrepancy is the fact that the Petitioner's preferred allotment reference coordinates are located 5.5 km west of the allotment coordinates set by the staff in the NPRM. Finally, the introductory portion of the Petition referred to population and area data based on actual HAAT instead of the constant radius method. *Figure 1* is a map depicting the Brawley Class B 60 dBu, the Class B1 Petitioner's preferred allotment 60 dBu, and the FCC allotment 60 dBu over a map showing population density.

Area and population data is tabulated below for each:

<u>Facility</u>	<u>Area Square Kilometer</u>	<u>Population Persons</u>
CH 241B Brawley, CA	8,553 Total	
	7,418 U.S. only	135,344 U.S. only
CH 241B1 Campo, CA	4,801 Total	
(Petitioner Coordinates)	<u>2,891</u> U.S. only	<u>59,196</u> U.S. only
Loss	4,527 sq. km	76,148 Persons

CH 241B1 Campo, CA	4,801	Total		
(FCC Coordinates)	<u>2,773</u>	U.S. only	<u>34,905</u>	U.S. only
Loss	4,569	Sq. kM	100,439	Persons

Based on the analysis above, the Petitioner and the FCC staff have arrived at similar conclusions when the FCC coordinates are utilized. By reference to Figure 1, and the computed data, it is clear that the Petitioner's coordinates are superior due to proximity to higher density population.

It should be noted that if the actual protected 54 dBu and 57 dBu contours are considered that the U.S. population and area for Brawley would be 137,261 persons in an area of 10,649 square kilometers. The FCC coordinates would be associated with a population of 64,842 persons in an area of 3,643 square kilometers. The Petitioner's coordinates would be associated with a population of 279,771 persons in an area of 3,690 square kilometers. Under this analysis, the Petitioner's proposal would result in a population gain of 142,510 persons and a loss of 6,959 square kilometers.

The foregoing was prepared on behalf of **CCR-Brawley, IV, LLC** by Clarence M. Beverage of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.

By 

Clarence M. Beverage
for Communications Technologies, Inc.
Marlton, New Jersey

SUBSCRIBED AND SWORN TO before me,

this 12th day of August, 2005,

Esther G. Sperbeck, NOTARY PUBLIC

ESTHER G. SPERBECK

NOTARY PUBLIC OF NEW JERSEY

MY COMMISSION EXPIRES OCT. 15, 2007

[illegible]

Company Size	Number of Companies
1-9	15
10-49	12
50-99	8
100-499	5
500-999	3
1000-4999	2
5000 or more	1

Figure 1